



Land Use and Zoning Meeting Minutes

October 20, 2011

STAFF:	David Radachy
DATE:	October 21, 2011
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:28 p.m. by Chairman Welch.

Attendance was taken by sign in sheet. The following members were present: Messrs. Constantine, Kenyon, Klco, Morse, Terriaco and Welch, and Mmes. Diak and Malec. Audience: Mr. Gordon Hanford
Staff: David Radachy.

Mr. Welch asked for any comments from the public. No comments were made.

Mr. Welch asked Mr. Radachy to present the cases. There were two cases on the agenda.

Concord Township Case – Text Amendment to Sections 22.01 K, 22.03, 13.07, 13.08 and 13.36

Staff stated that section 22.01 K is the purpose statement for RD-2, Research and Limited Industrial. Staff stated that the purpose statement was created in the 1970's and moved to this section when the commercial and industrial districts were consolidated into one section. Concord Township is modifying the purpose statement because it is not effective. Companies are not developing separate facilities for management headquarters, research and development operations or executive offices, so the township is removing the language. They are also adding supporting services to the purpose statement.

Staff stated that the Zoning Commission is adding child or adult day care center, residential care facility, nursing home and hospice care as conditional use, membership sports/fitness clubs as a permitted use and retail as an accessory use. Staff stated that in the summary sheet that was sent to members, they stated that the 2004 Concord Township Comprehensive Plan did not address this issue. Staff stated that they reviewed the 2006 Auburn Crile Plan and it recommended uses for this district and these were not recommended. Normally staff would take that recommendation, look to see if there is any changes to the area that warrant adding these uses. In this case, staff did not see any changes to warrant this change. Tri-Point Hospital was the reason the Auburn Crile Plan was done. Normally, if a private person asked for the change, staff would recommend against it because it does not meet the plan and there is no reason to change. But in this case, the Concord Zoning Commission is making the change. They have studied the issue and made the decision to make the change. Staff did not make a recommendation on this issue; he wanted to gather the opinions of the Committee.

The Committee did not see any issue with having these uses added to the district. They are already present in the area. Staff stated that the day care centers were located in the GB. Having daycare centers close to the hospital would be beneficial to the workers. Nursing homes are a similar use to hospitals. The Committee wondered why nursing homes and day care was not added with the other amendment. Staff stated that there was a concern that nursing homes would be a burden on the fire department and day care is not the highest and best use for an industrial zone. Usually you are looking for a factory employing 100 people to help boost your tax base.

The Committee asked why hospice was considered as a separate use. Staff stated that hospice is under a different section of the ORC and it is end of life care which is different from standard care.

The Committee was inclined to recommend these uses.

Staff stated the last part of the amendment was adding of conditions for the new uses. Staff stated that there were no conditions for hospice care nor was it added to the nursing home section. Adult day care center also does not have conditions being added nor were they being added to the child day care center. Staff also stated that not having an exterior door for the retail use as accessory use would be a burden on the business. Staff stated that Parker Hannifin on Lakeland Blvd. in Wickliffe has a retail use as accessory use and it has an exterior door and a sign and it does not seem to be an issue.

Mr. Kenyon made a motion to recommend the text amendment with the following suggestions:

1. Add conditions for hospice or add it to nursing home.
2. Add conditions for adult day care or add it to child day care.
3. Allow an exterior door for accessory retail uses.

Mr. Terriaco seconded the motion.

All voted "Aye"

Motion passed.

Painesville Township Case – Sections 6.02, 25.01 and 28.05(B)(5)

Staff stated that the Zoning Commission was adding the use of manufacturing of metal, wood, or composite parts and components by machining as a use to I-1. They were also adding language requiring a permit and notice for special event signs/grand opening signs for the Commercial Districts and the CS and Recreation Districts. They were also revising the definition of gambling to include internet café in the prohibited uses.

Staff stated the point of this regulation was to make it easier for the zoning inspector to enforce temporary signs. They would know when they are being hung and taken down. Staff felt that requiring the time of the day when the sign was going to be hung was overkill. They were also concerned that requiring non-profits and churches to be included would be difficult to enforce. Mr. Constantine stated that the non-profits and churches were better than the businesses in regards to following the sign regulations. The non-profits and churches would only be required to pull a permit once a year, lasting for a year period, if they were going to place a temporary sign. Other Committee members stated this was common practice for other committees and their places of worship.

The Committee was concerned that churches put signs up for everything from bingo to community dinners to bible study. Only allowing two 2 week periods may be a burden on the church. Staff stated that not allowing a church to put a sign advertising bible study may be against RLUIPA and Freedom of Religion Amendment. The Township should consider allowing churches one week a month or 60 days a year not to exceed periods of five days in a row, taken down for five days and put back up.

The Committee also asked about corner lots. They felt that single occupant lots on corners should be allowed two signs. Staff agree with that, but recommended that they should not exceed the maximum square footage. Owners on non-corner lots would get one 40 sf sign. Owners on corner lots would get two 20 sf signs.

Staff asked the Committee on their feeling of adding Internet Cafés as a prohibited use and adding gambling to it. Staff stated according to ORC and court cases, Internet Cafés are consider sweepstakes and not gambling. This amendment is just stating that Painesville Township does not want the use want it in their community and they are adding it as prohibited use. The Committee discussed who has it in their communities and what other communities were doing.

Mr. Morse made a motion to recommend the text amendment with the following suggestions:

1. Revise the sign language for churches and non-profits to allow more than two special event signs per year and revise the time period to allow more flexibility instead of the proposed two 2 week periods.
2. Remove the language for time of day requirement for hanging the signs.
3. Allow single occupant corner lots to have two signs not to exceed the maximum square footage.

Mr. Terriaco seconded the motion.

All vote "Aye"

Motion passed.

Mr. Welch asked for any new business. Staff stated that the Concord Township member and the Painesville Township members were reappointed. Staff stated that Mr. Hullihen was replaced with Ms. Kathy Miller and then she resigned prior to ever coming to a meeting. Concord Township has recommended Mr. Gordon Hanford to replace her. Mr. Hanford asked about the Committee, how often they meet, how they work, etc. The Committee and staff answered his questions.

There was no public comment.

The meeting adjourned at 7:05 PM.